

EX PARTE OR LATE FILED

June 1, 1998

Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Dear Chairman Kennard:

We, the undersigned, are telephone directory publishers who are members of the Yellow Pages Publishers Association (YPPA). Our membership in YPPA does not represent universal agreement with YPPA's policies and positions. In fact, YPPA's filings in CC Docket No. 96-115 are misleading and detrimental to our interests as directory publishers.

We are writing to advise you that we strongly disagree with the position that YPPA has expressed to the Commission on the pricing of subscriber list information (SLI) pursuant to Section 222(e) of the Telecommunications Act of 1996.

We believe that the Commission should establish a price for SLI. We believe that the price should be cost-based and include a reasonable margin for the provider. We believe that a cost-based pricing structure fulfills Congress' mandate, as expressed in 222(e), that the price for SLI indeed be "reasonable."

We do not believe the 1,300% margin charged by BellSouth, or the even higher margins extracted from publishers by other telephone companies, is "reasonable." We do not believe that SLI should be priced on its "value" to the purchaser, particularly when that "value" is arbitrarily set by the provider, as YPPA suggests it should be. To accept that reasoning would be tantamount to allowing an oxygen provider to say to a respirator-dependent person, "You need the oxygen the most, so I'm going to charge you the most."

We ask that the Commission implement a rulemaking to enforce the Congressional guarantee in Section 222(e) that SLI will be provided to directory publishers "on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms and conditions."

Sincerely,

Wendy J. Boley
President
AJL Communications dba
The Northland Telephone Directory
Kansas City, MO
816.426.8320

Michael Reagan
CEO
Alliance Media, Inc.
San Antonio, TX
210.495.7600, x222

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List A B C D E

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Rick Singleton
President/CEO
America's Directories, Inc.
Mishawaka, IN
219.258.6100

Barbara LaBarbera
Vice President - Operations
Blue Books, Inc.
Irvington, NY
914.591.8020

J. Keith Gibson
President
Carolina Publishing Co. LLC
Salisbury, NC
704.639.0161

Michael Paul
CEO
College Directory Publishing, Inc.
Conshohocken, PA
610.940.1515

John P. Morgan
CEO
Community Directory
Publishing Service, Inc.
Grand Rapids, MI
616.831.2800

Thomas Peterson, Jr.
President
Community Telephone
Directories of Florida, Inc. dba
Com Tel Directories
New Port Richey, FL
813.847.6263

Terry D. Shannon
President
Consolidated Directories, Inc. - LA
Lafayette, LA
318.232.4831

Elaine Fuller
Vice President - Sales
DataNational
Chantilly, VA
703.818.0120

Vernon Smith
President/CEO
Directory Publishers, Inc. dba
Dalton Area Talking Phone Book
Dalton, GA
706.226.3424

Cecil J. North, Jr.
President
Guide Communications, Inc. dba
The Guide
Purdys, NY
914.277.8230, x309

James A. Hail
President
Hagadone Directories, Inc.
Coeur D'Alene, ID
208.667.8744

William L. Hanson
President
Hanson Directory Service, Inc.
Newton, IA
515.792.2855

Keith Baker
General Manager
Impact Directories, Inc.
Manchester, MO
314.227.8060

Steve Lambert
Owner
Lambert Publishing
Macon, GA
912.788.5416

Arthur Christofferson
President
McLeodUSA Publishing Co.
Cedar Rapids, IA
319.366.1100, x3100

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Michael Needles
General Manager
Michigan Directory Company
Pigeon, MI
517.453.2030

Darrel Kramer
President
Midwest Directories, Inc.
Beloit, WI
608.362.2672

Joseph Browning
President
National Directory Company
Tustin, CA
714.505.8449

Michael J. Christman, Jr.
Project Manager
Ogden Directories, Inc.
Parkersburg, WV
304.485.1891

John Woodall
General Manager
Pacific Coast Publishing
Tacoma, WA
253.272.8000

Lee Ann Moorman
President
Phone Directories Co., Inc.
Provo, UT
801.223.1222

Luis H. Rossi
President
Rossi Publications, Inc.
Chicago, IL
773.525.6285

Pat Comiskey
Vice President
St. Bernard/Tri-Parish
Telephone Directories
LaPlace, LA
504.652.1800

Richard Piatt
Publisher
Sturgis People Pages
Sturgis, MI
616.651.5407

Dale R. Engberson
President/CEO
Target Directories of
Michigan, Inc.
Manitou Beach, MI
517.467.4811

Rodney Ryan
Owner
TelBook, LTD
Southampton, NY
516.283.7075, x118

James Striplin
President
County-Wide Directories dba
One Source PhoneGuides
West Carrollton, OH
937.859.4613, x119

Rick Puente
President
TransWestern Publishing
San Diego, CA
619.467.2800

Steve Bridenball
President/CEO
United Publishers Corp. dba
CCC Directory Publishers
El Segundo, CA
310.647.1500

A. P. Cook, III
President/CEO
Universal Phonebooks, Inc.
Jackson, MI
517.796.4105

Kevin Hall
President
USA Northland Directories, Inc.
Nisswa, MN
218.963.4348

Douglas M. Hartman
President
Woodward Publications, Inc
Lawrence, KS
785.842.1782